

§ 404.903 Administrative actions that are not initial determinations.

Administrative actions that are not initial determinations may be reviewed by us, but they are not subject to the administrative review process provided by this subpart, and they are not subject to judicial review. These actions include, but are not limited to, an action—

- (a) Suspending benefits pending an investigation and determination of any factual issue relating to a deduction on account of work;
- (b) Suspending benefits pending an investigation to determine if your disability has ceased;
- (c) Denying a request to be made a representative payee;
- (d) Certifying two or more family members for joint payment of benefits;
- (e) Withholding less than the full amount of your monthly benefit to recover an overpayment;
- (f) Determining the fee that may be charged or received by a person who has represented you in connection with a proceeding before us;
- (g) Disqualifying or suspending a person from acting as your representative in a proceeding before us (See § 404.1745);
- (h) Compromising, suspending or terminating collection of an overpayment under the Federal Claims Collection Act;
- (i) Extending or not extending the time to file a report of earnings;
- (j) Denying your request to extend the time period for requesting review of a determination or a decision;
- (k) Denying your request to use the expedited appeals process;
- (l) Denying your request to reopen a determination or a decision;
- (m) Withholding temporarily benefits based on a wage earner's estimate of earnings to avoid creating an overpayment;
- (n) Determining whether (and the amount of) travel expenses incurred are reimbursable in connection with proceedings before us;
- (o) Denying your request to readjudicate your claim and apply an Acquiescence Ruling;
- (p) Findings on whether we can collect an overpayment by using the Fed-

eral income tax refund offset procedure (see § 404.523);

(q) Determining whether an organization may collect a fee from you for expenses it incurred in serving as your representative payee (see § 404.2040a);

(r) Declining under § 404.633(f) to make a determination on a claim for benefits based on alleged misinformation because one or more of the conditions specified in § 404.633(f) are not met; and

(s) The assignment of a monthly payment day (see § 404.1807).

[45 FR 52081, Aug. 5, 1980, as amended at 51 FR 8808, Mar. 14, 1986; 55 FR 1018, Jan. 11, 1990; 56 FR 52469, Oct. 21, 1991; 57 FR 23057, June 1, 1992; 59 FR 44925, Aug. 31, 1994; 62 FR 6120, Feb. 11, 1997]

EFFECTIVE DATE NOTE: At 62 FR 6120, Feb. 11, 1997, § 404.903 was amended by removing the word “and” from the end of paragraph (r), removing the period at the end of paragraph (s) and adding a semicolon and the word “and”, and adding a new paragraph (s), effective May 1, 1997.

§ 404.904 Notice of the initial determination.

We shall mail a written notice of the initial determination to you at your last known address. The reasons for the initial determination and the effect of the initial determination will be stated in the notice. The notice also informs you of the right to a reconsideration. We will not mail a notice if the beneficiary's entitlement to benefits has ended because of his or her death.

[51 FR 300, Jan. 3, 1986]

§ 404.905 Effect of an initial determination.

An initial determination is binding unless you request a reconsideration within the stated time period, or we revise the initial determination.

[51 FR 300, Jan. 3, 1986]

§ 404.906 Testing modifications to the disability determination procedures.

(a) *Applicability and scope.* Notwithstanding any other provision in this part or part 422 of this chapter, we are establishing the procedures set out in this section to test modifications to our disability determination process. These modifications will enable us to